IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6082 of 2005

Between:

J.Chitti Babu, S/o.Mallikharjuna Rao,
R/o.Kotavari Street, Pithapuram Mandal, E.G.District.

..... PETITIONER

AND

1. A.P.TRANSCO (Eastern Power Distribution Company Limited) rep. by its Managing Director Vidyut Soudha, Hyderabad.
2 The Superintending Engineer, Kakinada, E.G.District.
3 The Assistant Divisional Engineer, Eastern Power Distribution company Ltd., Pithapuram, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of the respondents 2 and 3 in contemplating to remove the power supply connection provided to the father of the petitioner vide service connection NO.1(1/17189) code 1637 of Illindrada village, Pithapuram Mandal, E.G. District without issuing any notice or opportunity as highly illegal, arbitrary and violative of Art.14 of the Constitution of India apart from contrary to the provisions of Electricity (supply) Act, 1948 and pass such other order or orders in the interest of justice.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for the Respondents: MR.V.AJAYAKUMAR

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

With an apprehension that the respondents would resort to disconnection on account of the arrears due by him, the petitioner filed this writ petition.

It is an admitted fact that the petitioner fell in arrears. Hence he is under threat of disconnection of power supply. However, the petitioner himself stated in the affidavit filed along with the writ petition that he is ready and willing to pay the arrears.

It is to be seen that so far the respondents have not resorted to disconnect the power supply to the service connection of the petitioner.

Having regard to the facts and circumstances of the case, particularly, in view of the categorical statement made by the petitioner in the affidavit that he would pay the arrears, suffice it to direct the respondents not to affect any disconnection. However, if the petitioner fails to fulfill the undertaking given by him in the affidavit, it is open for the respondents to proceed in accordance with law.

Accordingly, the writ petition is disposed of at the stage of admission. No costs.

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kvsn 23-03-2005

To

1. A.P.TRANSCO (Eastern Power Distribution Company Limited) rep. by its Managing Director Vidyut Soudha, Hyderabad.

2 The Superintending Engineer, Kakinada, E.G.District.

3 The Assistant Divisional Engineer, Eastern Power Distribution company Ltd., Pithapuram, E.G.District.

4 Two CD copies.